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TRUCK SAFETY

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

TRUCK SAFETY

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TRUCK SAFETY

WEDNESDAY, FEBRUARY 15, 1984

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Eugene, Oreg.

The committee met, pursuant to notice, at 9 a.m., at the Hilton Hotel, 66 E. Sixth Avenue, Eugene, Oreg., Hon. Bob Packwood (chairman of the committee) presiding.

Staff members assigned to this hearing: Karen Borlaug Phillips, staff counsel and Linda Morgan, minority staff counsel.

OPENING STATEMENT BY THE CHAIRMAN

The CHAIRMAN. The hearing will come to order, please.

I might say to all of the witnesses, their statements will be placed in the record in their entirety. They may deliver them as they choose to do so.

This is a hearing on the general subject of truck safety, as most of this audience are aware, and I can tell that most have followed our proceedings rather closely in Congress.

The Commerce Committee has been interested for many years in the subject of truck safety. We have moved on a number of pieces of legislation, which we hope have been in the right direction.

And when I say hope, in most cases they have been pretty uniformly endorsed by all of those involved, including drivers, and operators, such as on the truck lengths and the truck widths. We had good experience in Oregon before we moved at the Federal level, and we hope we find federally what we have found in Oregon in the past; that indeed the truck width and length standards that Oregon had here had worked out very well, and had worked safely.

One of the reasons for coming here to have these hearings is that Oregon has been a leader in the safety area. If the Federal Government is going to move—and in some cases when we move, we move and preempt State law—I want to make sure that the direction we move is a correct direction, rather than preempting some State laws that may be better than what we might do federally.

Our first witness today is Bill Bebout, who is here substituting for the public utility commissioner, Gene Maudlin, who is sick.

Bill, of course, is his principal assistant, and the worked for a number of years with me in Washington, and in the area of truck legislation, and knows the subject very, very well.

I'm delighted to have him here substituting for the commissioner this morning.

Bill, good morning.

STATEMENT OF BILL BEBOUT, ASSISTANT PUBLIC UTILITY COMMISSIONER OF OREGON, LABOR AND INDUSTRIES BUILDING, SALEM, OREG., ACCOMPANIED BY LARRY KOENICKE

Mr. BEBOUT. Thank you, Mr. Chairman. Gene sends his regrets. He had hoped to be here as late as last night, but decided that the flu won.

I would like to introduce, Senator, Larry Koenicke of my staff, who's a safety expert, in case there's something that I don't understand that you may inquire about.

I will skip over the initial portion of the commissioner's testimony, which you have, and I believe have read, and go directly to the safety issues.

As Oregon's motor carrier regulatory agency, the PUC has taken the lead in promoting safe, economical and efficient service.

Oregon's motor carrier safety program is conducted through a series of agreements with local and statewide enforcement agencies transportation of radioactive materials regulated by the PUC with the Department of Energy. We also cooperate with the Department of Environmental Quality in regulating the safety of hazardous waste transportation on highways, and also have formal safety programs with the State weighmasters, Multnomah and Washington Counties, and the city of Portland.

The PUC provides training, technical advice, documentation, computer services for each agency, conducting inspections.

The PUC safety staff also conducts the safety compliance audit program, which is the heart of our safety effort.

This involves a comprehensive audit of each carrier's equipment maintenance schedules and levels, and driver competence, and I believe this approach is chiefly responsible for the progress we have made in gaining steadily increasing safety compliance among Oregon-based carriers.

In 1979, the Oregon PUC initiated a compact with other States to further the effort to improve the safety of commercial vehicles. It is known as the Commercial Vehicle Safety Alliance [CVSA].

This compact now includes 14 States and 2 Canadian Provinces, and we expect several new members to join in the next few months.

The Alliance has established a uniform inspection program based upon the CVSA's analysis of truck accidents. Each member government affixes a decal to a vehicle which passes inspection, and these decals are honored by all the member States.

The result is a substantial conservation of State inspection resources; less inspections, less downtime for the industry, and increasing safety compliance.

The evidence that our program is working can be found in the statistics compiled through the PUC accident inspection data system.

Truck accidents, including those involving injuries and fatalities, dropped 20 percent in 1980, 30 percent in 1981, and 34 percent in 1982. And in 1982, for the first time in 7 years, the estimated cost to society of the truck accidents in Oregon was lower than in the preceding year.

Your staff asked for a specific figure on the safety experience with double and triple combinations. Both of which, as you noted in your opening remarks, have been permitted on Oregon highways for many years; 25 years for doubles and triples in 1967.

For the years 1980 through 1983, doubles were involved in 6.5 percents of Oregon truck accidents. The 3,900 triples operated during this period accounted for six-tenths of 1 percent of all truck accidents.

The figure on triples is especially significant, because these combinations account for about 2.2 percent of the commercial vehicles authorized to use Oregon highways.

It is clear that the safety record of the large combinations is at least as good, and perhaps better, than that of the industry as a whole.

During the first 10 months of last year, doubles were involved in a total of 37 collisions with other vehicles. Investigations showed the truck was at fault in 32 percent of the cases, and the other vehicle in 68 percent.

For triples during the same period, there were 6 collisions, none of which was the fault of the truck or its driver.

The PUC safety staff believes that a major reason for the good record of the big combinations is the quality of drivers. Clearly, the best drivers are chosen to handle the doubles and triples, and the accident statistics reflect that.

In summary, the Oregon experience with doubles and triples confirms that they are not only economically feasible; their safety records justifies their continued use.

Mr. Chairman, your staff had asked us to comment on the safety impact of Federal deregulation.

As you know, deregulation has resulted in a substantial increase in the number of interstate carriers. In 1980, 26 percent of the carriers registered with the PUC were from other States, and last year the figure was 37 percent, and those carriers operated 69 percent of all PUC registered vehicles.

In 1980, there were 590 interstate common carriers, with 49,925 vehicles registered in Oregon.

Last year, there were 1,674 interstate common carriers, with 78,971 vehicles.

By contrast, the number of intrastate common carriers subject to rate regulation declined from 390 with 17,000 vehicles, to last year's 386 carriers with 14,000.

Even though Oregon performs inspections on many of the vehicles operated by out-of-State based carriers, we do not have the same opportunity to enforce safety regulations on interstate carriers as we do Oregon carriers. And that is because we lack the resources to conduct the comprehensive carrier safety audit program.

The safety implications of the increasing volume of interstate carriers following deregulation are clear in the statistics.

During 1980, 27.8 percent of all the truck accidents reported to the PUC involved out-of-State carriers. In 1982 that figure had increased to 34 percent. And we believe that this last year will run about 33 percent.

Of the total accidents involving out-of-State carriers in 1983, 64 percent were attributable to the driver or mechanical condition of the vehicle.

Of the total accidents involving Oregon carriers during the same period, 57 percent were considered preventable.

It's clear that we must do more to prevent this, and expand our safety effort in Oregon and in the other States through the Commercial Vehicle Safety Alliance.

If we do not, the improving safety record compiled through effective enforcement with Oregon carriers will be overshadowed by the record of the interstate fleet.

Our intention in Oregon is to expand the safety effort as much as possible. The commissioner intends to ask the 1985 legislature to provide a substantial increase in funds to hire more safety personnel to broaden the program.

In addition, we are receiving funds under the Surface Transportation Assistance Act, and I think Secretary Dole announced that a grant would be forthcoming in the near future, and the commissioner wanted, Senator, to particularly thank you for your support of our application.

And we have had indications from the DOT that there will be perhaps considerably more opportunities in the future, because Oregon has taken a leadership role in this area.

We also will continue to participate in the CVSA, and to actively encourage other States to join the effort.

But more is needed, Mr. Chairman, than State action and Federal grants. And your staff asked the commissioner to comment on what if any Federal action might be needed to improve the safety of commercial vehicles, and there are four areas to which I would like to call your attention.

First, the Federal standards for securing cargo should be expanded along the lines of existing Oregon and California regulations. Currently the Federal regulations are rather general, except as applied to steel coils and some metal products.

And a wide range of commodities should be addressed in the Federal rules.

Although I don't have any specific figures, our safety people say that poorly secured cargo is a major contributor to accidents, and their seriousness.

The CHAIRMAN. Bill, let me ask you a question, and you can have Larry answer if you want.

If we go that route, should the standards be uniform and preemptive, so that you don't have a situation of some States having different standards, for whatever reasons they want, and causing the problems of having to refix loads?

Mr. BEBOUT. I think that uniform standards would be desirable, and should be preemptive. We would, of course, want to have input into that through the CVSA. But, yes, I think that a national standard clearly would be superior.

Second, the Federal Government should establish national standards for licensing of truckdrivers. We now have strict vehicle and hazardous materials and hazardous waste regulations; all of which are in the interests of improved safety.

But the most important safety element in commercial vehicle operation is the quality of the driver. It continues to be the weakest link in the national safety effort. And we believe that the Federal Government ought to take the leadership and establish a national standard, and require nationwide compliance.

The CHAIRMAN. And there again, you mean preemptive?

Mr. BEBOUT. Yes.

The CHAIRMAN. A Federal truckdriver's license, in essence.

Mr. BEBOUT. Yes; and such participation by the State as the Federal Government feels is needed administratively.

We can deal with the Oregon problem, but each State has its own approach. A driver with a serious problem, will simply get two or three licenses down the road from different States.

Third, and this relates to the second also, the Federal Government and the States need to do more to get the fatigued truckdriver off the highways. The issue is particularly critical when the cargos involved are hazardous materials. Falsified log books and the apparent indifference of some carriers and many drivers make enforcement difficult. But effective action is necessary at both the State and Federal levels.

One national study now underway indicates that excessive hours of service is a significant factor in moer than 80 percent of accidents reviewed.

We have no specific proposal, Mr. Chairman. It's a complex and difficult problem, but it's one that we believe the DOT, Bureau of Motor Carrier Safety, in concert perhaps with CVSA, should concentrate on and see if there is some way that we can devise of getting the fatigued truckdriver out of the cab and into a motel. And off the highway.

Fourth, we would urge that any legislation mandating a nationwide vehicle inspection standard follow closely the guidelines of the CVSA. We believe that such legislation is necessary if we are to address commercial vehicle safety effectively on a national scale.

But we have some concerns that the highly successful program developed by CVSA may not be given adequate consideration in the creation of federally mandated standards.

I believe that the DOT would have strong support from CVSA members in such a cooperative venture, and I believe it is essential to attainment of the goal we all seek of improved commercial vehicle safety.

Thank you, Mr. Chairman.

The CHAIRMAN. Let me ask you and Larry a question about the CVSA. It has had stunning success in a relatively short period of time.

I can't remember if it's in your testimony, or the commissioner's which I read last night, or somebody else's, but I understand that we expect a couple more States to be coming in with the negotiations. Are most of these Western States so far that have joined?

Mr. KOENICKE. Most of the States are western, but we go as far back as Maine and West Virginia.

The CHAIRMAN. So you're dotted throughout the country.

Mr. KOENICKE. Dotted throughout the country.

The CHAIRMAN. Which two Canadian provinces?

Mr. KOENICKE. Vancouver and Alberta, British Columbia.

The CHAIRMAN. I've seldom run across a program, State-initiated, that has been so quickly successful with other States.

It's not a question—sometimes you have good State programs and other States don't adopt them. But this has been uniformly successful, and to the best of my knowledge, satisfactory to everybody involved.

Mr. BEBOUT. Yes.

The CHAIRMAN. But the two or three most important things—you mentioned the cargo, you mentioned licensing. Are those not in order of importance but the most important things you're talking about?

Federal licensing of drivers—with a good standard, but with input of the States and, frankly, probably the States administering the standards—and the securing of the cargo, are these your highest priorities?

Mr. BEBOUT. I believe so. I think the highest would be the federally mandated safety standards across the board, so that we could have nationwide, a standard as high as CVSA now has, in its member States.

And if we had this on a nationwide basis—I think the only way we're going to get it is by federally mandating the thing—the problem of truck safety would be dramatically reduced.

The CHAIRMAN. Let me ask you. We've had experience in dealing with other State authorities. I'm reluctant to add one more chain of Federal bureaucracy.

If indeed the States were asked to administer this—and there's no reason why they can't—in your experience in dealing with other States, are most of them as willing and as good as Oregon to enforce high standards?

Could they enforce high standards? Would they enforce high standards if we mandated it, but we left it up to each State to attempt to enforce these standards?

Mr. KOENICKE. I believe they would. Particularly with the Commercial Vehicle Safety Alliance. If the standards were the same, and they had the input to it.

But one of the big problems, talking about the drivers and the drivers' qualifications, it has to be with the national driver's license versus what we have today.

You might have a truckdriver with four or five different licenses from different States. He might be suspended in four of the five, but other States have no way of knowing he's suspended, because there's no national program.

But if you had a national driver's license register, we would have that opportunity any time anybody was stopped, you could pick 'em up just by putting in to one of the national crime networks. So that has got to be primary right there.

The CHAIRMAN. Fellows, I have no more questions. Good testimony. Give my best to Gene. Tell him I hope he's up and around soon.

Mr. BEBOUT. Thank you, sir.

The CHAIRMAN. Thank you, Larry.

Mr. KOENICKE. Thank you, sir.

[The statement follows:]

STATEMENT OF GENE MAULDIN, OREGON UTILITY COMMISSIONER

Mr. Chairman, I am grateful for the opportunity to appear before you today to talk about some of the trucking issues which confront us at both the state and federal levels.

I must note, Mr. Chairman, that we both share jurisdiction over two vitally important areas of the economy—transportation and telecommunications. And I'm sure that you share my enthusiasm for the fact that today we will be talking about trucking, and not telephone bills.

Those of us in this room know that a strong trucking industry is essential to commerce at the local, state and national levels. Our transportation system is the foundation of a healthy economy.

We know that. But, as we also know, the public generally expresses little interest in trucking beyond the congestion it causes on our highways and the safety issues which this hearing today will address.

Despite the public's apparent lack of interest in trucking issues, the issues are nonetheless of vital importance. And you, Mr. Chairman, deserve credit for continuing the search for solutions to the nation's transportation problems.

First, let me address generally the Oregon experience with federal deregulation, as your staff suggested.

My own feeling is that the Motor Carrier Act of 1980 is neither the disaster its detractors claim nor the panacea that some of its most ardent supporters assert.

As a state regulator, I recognize federal deregulation as an accomplished fact. My role is to adjust the Oregon regulatory scheme to accommodate the mandate of the Legislature to maintain intrastate regulation in the face of a transportation marketplace altered dramatically by a variety of forces.

Federal deregulation is chief among those forces. But there are others almost as compelling in their impact upon the transportation system. They include changing shipper practices, new approaches by some segments of the transportation industry, the slow but steady introduction of new technology by both shippers and carriers, and continuing economic shifts at all levels of the economy.

My staff is developing new approaches to state trucking regulation which I believe will make Oregon the nation's leader in innovative regulatory practices. Oregon will maintain regulation, Mr. Chairman, but its regulation will not be the protection of the inefficient and backward. Rather, it will be regulation that puts the public interest first. It will be regulation that provides the leadership necessary to help the industry adjust to the dynamics of a rapidly changing marketplace in creative, efficient and safe ways.

Candidly, our problem is less with the action of Congress in adopting the Motor Carrier Act of 1980 than with the way the Interstate Commerce Commission has administered that Act. A current example makes the point, I think, and you and I have discussed this previously.

In the matter of the transfer of the Oregon intrastate operating authority of Silver Wheel Freightlines, a bankrupt carrier, the ICC asserted that it had exclusive jurisdiction even though only a tiny portion of Silver Wheel's interstate authority was involved. I do not quarrel, Mr. Chairman, with the doctrine that the ICC has a duty to prevent a state from imposing an unwarranted burden on interstate commerce.

But sound judgment is required of the ICC, and that has been sorely lacking. Certainly it existed not at all in the decision of the ICC Review Board to transfer all of Silver Wheel's intrastate authority to Viking Freight Systems when in fact there was no—absolutely no—issue of Oregon action burdening interstate commerce. In fact, it appears that the Review Board simply concluded that the Oregon Public Utility Commissioner might be opposed to federal deregulation and could not, therefore, be trusted to administer even the laws of the State of Oregon in regard to wholly intrastate trucking service.

I have asked the Review Board to reconsider its decision. If it declines, I intend to seek a review of the board's action by the full Interstate Commerce Commission because I believe that the precedent set by the board must not be allowed to stand. If we fail, the states will not even have the opportunity to provide a rational transition from a wholly regulated market to one in which natural market forces are allowed to work effectively.

Mr. Chairman, if it becomes necessary, I hope that you will support my petition seeking a review by the full Commission. I do not ask you to take a position on the merits of the Oregon case; only that you help us get an opportunity to make that case if the review board declines to reconsider its December action.

It is my belief, Mr. Chairman, that the interests of the State of Oregon, its trucking industry and the public it serves, as well as the interests of the National Transportation Policy of which you are a principal author, will be advanced by the highest level of cooperation possible. We may differ philosophically, but rational men and women of good will can come to terms with reality.

Federal deregulation does not mean the end of Oregon regulation. But it does mean that regulation in Oregon must be altered to accommodate the changes produced by the deregulation of interstate commerce. I am persuaded that can be

done, and we are doing it. The result will be a stronger Oregon trucking industry, capable of serving the needs of our people.

I welcome the opportunity to work with you, and I deeply appreciate your continuing concern for your home state. I hope, Mr. Chairman, that the responses of the State of Oregon to federal actions will be seen as constructive, coherent and rational and not destructive and petty. The issues are too important; the stakes too high.

I believe that Oregon's leadership in truck safety typifies our approach to the changing world of transportation.

As Oregon's motor carrier regulatory agency, the PUC has taken the lead in promoting safe, economical and efficient service.

Oregon's motor carrier safety program is conducted through a series of agreements with allied local and state enforcement agencies. Transportation of radioactive materials is regulated by the PUC in conjunction with the Department of Energy; and we cooperate with the Department of Environmental Quality in regulating the safety of hazardous waste transportation. On-highway safety inspections of trucks, drivers and cargo are done in conjunction with the state weighmasters, Multnomah and Washington Counties, and the Portland Police Bureau.

The PUC provides direction, training, technical advice, documentation and computer services for each agency conducting truck inspections. The PUC safety staff also conducts the safety compliance audit program, which is the heart of our safety effort. This involves a comprehensive audit of each carrier's equipment, maintenance schedules and levels, and driver competence. I believe this approach is chiefly responsible for the progress we have made in gaining steadily increasing safety compliance among Oregon-based carriers.

In 1979, the Oregon PUC initiated a compact with other states to further the effort to improve the safety of commercial vehicles. Known as the Commercial Vehicle Safety Alliance (CVSA), this compact now includes 14 states and two Canadian provinces, and we expect several new members to join in the next few months.

The Alliance established a uniform inspection program based upon the CVSA's analysis of truck accidents. Each member government affixes a decal to a vehicle which passes inspection. These decals are honored by all of the members. The result is conservation of state inspection resources, less inspection downtime for the industry and increasing safety compliance.

The evidence that our program is working can be found in the statistics compiled through the PUC's Accident Inspection Data System. Truck accidents, including those involving injuries and fatalities, dropped 20 percent in 1980, 30 percent in 1981 and 34 percent in 1982.

In 1982, for the first time in seven years, the estimated cost to society of truck accidents in Oregon was lower than in the preceding year.

Your saff asked for specific figures on the safety experience with double and triple combinations, both of which have been permitted on Oregon highways for many years—25 years for doubles and triples since 1967.

For the years 1980 through 1983, doubles were involved in 6.5 percent of Oregon truck accidents. The 3,900 triples operated during this period accounted for sixtenths of one percent of all truck accidents. The figure on triples is especially significant because these combinations accounted for about 2.2 percent of the commercial vehicles authorized to use Oregon highways. It is clear the safety record of the large combinations is at least as good, and perhaps better, as that of the industry as a whole.

During the first ten months of last year, doubles were involved in a total of 37 collisions with other vehicles. Investigations showed that the truck was at fault in 32 percent of the cases and the other vehicle in 68 percent. For triples during the same period, there were six collisions none of which was the fault of the truck.

The PUC safety staff believes that a major reason for the good record of the big combinations is the quality of the drivers. The best drivers are chosen to handle the doubles and triples and the accident statistics show it.

In summary, the Oregon experience with doubles and triples confirms that they are not only economically feasible, their safety record justifies their continued use.

Mr. Chairman, your staff also asked me to comment on the safety impact of federal deregulation. As you know, deregulation has resulted in a substantial increase in the number of interstate carriers. In 1980, 26 percent of the carriers

registered with the Oregon PUC were from other states. Last year, the figure was 37 percent and those carriers operated 69 percent of all PUC-registered vehicles.

In 1980, there were 590 interstate common carriers with 49,925 vehicles registered in Oregon. Last year, there were 1,674 interstate carriers with 78,971 vehicles. By contrast the number of intrastate carriers declined from 390 carriers wih 17,585 vehicles to last year's 386 carriers with 14, 541 vehicles.

Even though Oregon performs inspections on many of the vehicles operated by out-of-state-based carriers, we do not have the same opportunity to enforce safety regulations on interstate carriers as we do with Oregon carriers. And that is because we lack the resources to conduct our comprehensive carrier safety audit program beyond our borders.

The safety implications of the increasing volume of interstate carriers following deregulation are clear in the statistics. During 1980, 27.8 percent of the truck accidents reported to the PUC involved out-of-state carriers. In 1982, out-of-state carriers accounted for 34 percent of the accidents. And accident records now being processed for 1983 indicate that the figure will be at least 33 percent.

Of the total accidents involving out-of-state carriers in 1980–83, 64 percent were attributable to actions of the driver or mechanical condition of the vehicle. Of the total accidents involving Oregon carriers during the same period, 57 percent were considered preventable.

It is clear that we must do more to strengthen and expand our safety effort in Oregon, and in the other states through the Commercial Vehicle Safety Alliance. If we do not, the improving safety record compiled through effective enforcement with Oregon carriers will be overshadowed by the dismal record of the interstate fleet.

In Oregon, our intention is to expand our safety effort as much as possible. I intend to ask the 1985 Legislature to provide a substantial increase in funds to hire more safety personnel and to broaden our program.

In addition, we are seeking funds under the Surface Transportation Assistance Act and have been assured that a grant will be forthcoming. In that regard, Senator, I greatly appreciate your support of our application as well as the assistance given us by personnel of the U.S. Department of Transportation.

And, of course, we will continue to participate in the Commercial Vehicle Safety Alliance and actively encourage other states to join this effort.

But more is needed, Mr. Chairman, than state action and federal grants. Your staff asked me to comment on what, if any, federal action is needed to improve the safety of commercial vehicles. I believe that four areas require federal attention.

First, the federal standards for securing cargo should be expanded along the lines of existing Oregon and California regulations. Currently, the federal regulations are general except as applied to steel coils and some metal products. A wide range of commodities should be addressed in the federal rules. Although I don't have any figures at hand, our safety people say that poorly secured cargo is a major contributor to accidents and their seriousness.

Second, the federal government should establish national standards for licensing of truck drivers. We now have strict vehicle, hazardous materials, and hazardous waste regulations—all in the interest of improved safety. But the most important safety element in commercial vehicle operation—the quality of the driver—continues to be the weakest link in the national safety effort. I believe that the federal government must establish a national standard and require nationwide compliance.

Third, and this is related to the second, the federal government and the states must do more to get fatigued truck drivers off the highways. This issue is particularly critical when the cargoes involved may be hazardous materials. Falsified log books and the apparent indifference of some carriers and many drivers make enforcement difficult. But effective action is necessary at both the state and federal levels. One national study now under way indicates that excessive hours of service is a significant factor in more than 80 percent of accidents reviewed. I offer no specific proposal, Mr. Chairman, but urge that this issue receive a high priority for attention by the Department of Transportation's Bureau of Motor Carrier Safety, and your Committee.

Fourth, I urge that any legislation mandating nationwide vehicle inspection standards follow closely the guidelines of the Commercial Vehicle Safety Alliance. I believe that such legislation is necessary if we are to address commercial vehicle safety effectively on a national scale. But I am concerned that the highly successful program developed by CVSA may not be given adequate con-

sideration in the creation of federally mandated standards. I believe that the Department of Transportation would have strong support from CVSA members in such a cooperative venture. And I believe it is essential to attainment of the goal we all seek—improved commercial vehicle safety.

Thank you, Mr. Chairman.

Revenue	# Carriers Intra Common	# Vehicles Intra Common	# Carriers Intra Contract	# Vehicles Intra Contract	# Carriers Intra Private	# Vehicles Intra Private	Year
23,716,056							1979
20,189,391	581	17,595	103	1,079	10,296	28,514	1980
21,018,248	590	16,967	112	1,346	10,157	28,326	1981
15,323,305	398	15,396	117	1,295	9,384	25,977	1982
	386	14,941	122	1,422	9,068	27,663	1983
	Inter Common	Inter Common	Inter Contract	Inter Contract	Inter Private	Inter Private	
	590	49,925	387	8,431	3,392	15,877	1980
	878	63,453	533	10,374	3,605	17,297	1981
	1,239	65,896	586	9,260	3,472	14,888	1982
	1,674	78,971	655	11,347	3,231	13,187	1983

Note: Revenue is depicted as an indicator only as it represents 31 carriers only.

The CHAIRMAN. Next we'll take Scott Coulter, who is the State highway engineer for the Oregon Department of Transportation.

Good morning.

STATEMENT OF SCOTT COULTER, STATE HIGHWAY ENGINEER, OREGON DEPARTMENT OF TRANSPORTATION, SALEM, OREG.

Mr. COULTER. Good morning, Mr. Chairman. I am Scott Coulter, State highway engineer. I am pleased to be here.

You were just talking about CVSA. Here's a brochure on CVSA.

I have some written testimony, but rather than trying to go through it completely, I would like to just summarize it a little bit and give you maybe some insight as to what's there, and then——

The CHAIRMAN. Well, as I stated at the start of the hearing, all of the testimony will be in the record in full, and you go ahead and highlight it as best suits your convenience.

Mr. COULTER. I wish I'd been here earlier to have heard my neighbors from across the way, across the mall in Salem. There may be some duplication in what I have to say.

Actually, the highway division and our weighmasters have not been involved in any large amount in truck safety, until about 5 years ago.

I want to cover about three points this morning quickly; truck safety, the implementation of the provisions of the Surface Transportation Act, and then some things that are underway with regard to uniformity in movements between the States, particularly here in the West.

Our weighmasters, following the direction from the senate interim committee, undertook, in conjunction with the Public Utilities Commission and the State police, the vehicle safety inspection program, about 4 years ago. We joined CVSA at about that time, and the results of that in Oregon has been tremendous.

I won't cover the purpose of CVSA, because I think that was probably covered earlier.

The amazing thing in Oregon has been that the number of truck-at-cause accidents dropped 15 percent between 1980 and 1981, and dropped another 22 percent in the next year.

Not only has the number of accidents decreased, but also the severity of those accidents, the number of injuries, decreased also. The results of the safety inspection by our weighmasters indicate that the vehicles on the highway are safer. The percentage of vehicles placed out of service in 1982 was about two-thirds the rate it was in 1981, and dropped about another 10 percent this last year.

The thrust of the program now really goes beyond inspections along the roadside or at our ports of entry. We now on request will enter a carrier's terminal and make inspections on his vehicles over the weekend, when they're out of service, so that it doesn't delay those trucks when they're going down the highway. We will perform vehicle inspections of his whole fleet. It helps us. We get more done in a day. It helps the motor carrier because his trucks aren't being held up.

My written testimony also includes discussions about the truck-driver. A big concern we have, is that over 60 percent of the truck-at-cause accidents are the result of driver error rather than equipment failure or some other reason.

And so we think that there needs to be efforts toward, that is we need to work toward improving those drivers. Whether or not it's part of a national licensing scheme, I think it should include some form of a test that includes a performance test for the drivers. And certainly our weighmasters and our inspection will pay more attention to the drivers' logbooks and this type of thing.

In implementing the provisions of the Surface Transportation Act, there was no problem here in Oregon—because many of the same limitations or minimum lengths that are in the law were operating in Oregon even prior to that time. We've been running doubles in Oregon for 30 years, triples since 1967. Even longer tractor-semi-trailer combinations were legal following the last legislative session.

The CHAIRMAN. Let me ask you a question.

I don't know if you heard the end of Bill Bebout's statement, when he was talking about the number of accidents caused by double and the relatively slight number by triples. Quite slight by triples, despite the fact that percentagewise there are more triples on the road than there are the number of accidents they cause.

Why this tremendous fear, more in the East, about these large trucks on interstates that are the same interstate highway? Why, whether they're built here or built there? Is it just lack of experience with them, and a certain fear that they are big; therefore, more dangerous?

Mr. COULTER. I think it's the fear that they are bigger, and the specter of the three big vans going down the road instead of the two that they have seen, or a long single one. I think it's just that mental picture.

It was interesting in Oregon. The first runs that were made with triples were done over a highway in the State. After we had gone 125 miles or so, they even stopped and asked some of the State police, "Well, what did you think of the triples that came by here?" And they hadn't even seen them.

The CHAIRMAN. Is that right?

Mr. COULTER. Because people just aren't aware of them, and fortunately, in Oregon we're more accustomed to them. The safety record for triples is less than one-tenth of what it is with trucks as a whole here in Oregon.

But that isn't only due to the fact that they are safe operation; it's because we restrict their operation. We don't let them operate when the weather is bad, and they don't operate on narrow urban streets, both of which are locations where a lot of truck accidents occur.

The CHAIRMAN. Well, when we passed the preemptive legislation, we tried to be very careful about where we said they could run. We didn't mean to impose them on narrow local streets, and we've pretty carefully circumscribed where we're going to allow them to run; but we're still running into intense opposition, especially in New York and the New England States.

Mr. COULTER. And they make comments about, "We don't want to see a triple trailer running in the lower end of Manhattan." Well, you known, the truckdriver would be foolish if he tried to go down there. There's no desire to.

The CHAIRMAN. One of those triples wouldn't fit across the lower end of Manhattan.

Mr. COULTER. The Surface Transportation Act also includes a requirement that regulations be enacted with regard to the splash and spray suppressant devices, and Oregon has long been a leader in the development and research involving this. In fact, we have people in Fort Stockton, Tex., this last week trying to assist the Federal Government in some of the testing that they're doing down there right now.

The CHAIRMAN. For the benefit of the audience, when you used that term, splash and spray suppressant device, you mean a mud flap.

Mr. COULTER. This is a form of mud flap, or a side skirt, that can reduce the amount of either splash that comes from the water off from the tires, or from the spray because of the wind currents flowing around the tractor.

We believe that Oregon has long been a leader in uniform movement between States. I have personally been involved in attaining in recent years some agreement, at least between the chief administrative officers in the 15 Western States, of some basic truck size and weight limitations.

We also have underway a study with our neighbors to the North and East, Washington and Idaho, a look at uniformity in three general areas; first, the regular commercial vehicle operations; second, the permitted heavy haul operations—the requirements for moving an overweight, nonreducible load; and a third area is in the mobile and modular home movements.

An effort toward uniformity that has just started is one that we are taking in response to a resolution passed by the Multistate Highway Transportation Agreement in Seattle last fall, asking the States that had some experience in long combinations to undertake a short study, and we settled on a 90- to 120-day study, of operating long combinations: that is, what are the problems, what type of marshaling areas should be provided, what should be the requirements for breakdown in an urban area, et cetera.

And so the States of Oregon, Idaho, Utah, and Nevada have just undertaken this study. We'll be looking into the maximum size combinations that might be permissible—if you were to expand the existing weight tables—or use the expanded weight table B. Triple trailers up to 110 feet, some Rocky Mountain doubles to about the same length or perhaps a little shorter, and then turnpike doubles, maybe up to 115 or 120 feet—two 48-foot semiboxes, one behind the other.

The purpose of it is to gather all the information we can on operating costs, any safety aspects or any information about marshaling areas, and this type of thing, and put that together into a report that could be given to the Secretary of Transportation for her report to Congress next January.

In conclusion, I believe that Oregon has an outstanding truck safety program, one that reflects the cooperation that's really a vital part of the strong service ethic of the highway division. We see some need to modify the truckdrivers laws. But basically support the provisions of the Surface Transportation Act. We are continuing that support through our involvement in slash and spray and in the study for the Multistate Highway Transportation Agreement, and our involvement in the study for alternatives to heavy vehicle use tax, and I guess that as long as I'm a part of the department, I'm going to continue to work for more uniformity in the movements both within and between our neighboring States.

Thank you.

The CHAIRMAN. Do you have any personal views on a diesel differential as opposed to a flat tax on heavy trucks?

Mr. COULTER. Certainly a diesel differential is better than a—a lump sum tax.

At the same time, I'm a strong supporter of the weight distance tax, and I think that it would be the most equitable tax, and one that could be implemented by the States even though—where a national tax has to be collected by the States, it would require a couple of years really, to set up such a process and to achieve it. In the meantime——

The CHAIRMAN. But as between the two, as between the flat use tax and the diesel differential, you think the latter is the more fair as between those two?

Mr. COULTER. Yeah. It's a step in the right direction. The disadvantage is that it has a—it's—it hits the smaller truck operator, the small vehicle, a little heavier, because that's the vehicle that has been excused from heavy vehicle use tax, but it would be difficult to not—have a process whereby he wouldn't have to pay that diesel differential.

The CHAIRMAN. What do you think of Federal licensing of truckdrivers? Uniformly and probably preemptive?

Mr. COULTER. I like the concept of uniform licensing. Whether it's necessary, and whether it's best done as a Federal license, driver's license, or not, I don't know. I see no real problem, other than the functional one, the process of federally licensing the drivers and making sure that it occurs.

I don't think that the licensing of truckdrivers in Oregon, the way we do it today, is as thorough or complete as it should be. I think that there certainly is a responsibility on the part of the carrier to make sure that his drivers can safely drive his equipment. At the same

time, I think that some form of a driving test for drivers that are going to be manipulating an 18-wheeler down the highway is probably appropriate.

The CHAIRMAN. OK. Thank you. I have no more questions. I appreciate you coming down this morning.

Mr. COULTER. OK.

[The statement follows:]

STATEMENT OF H. S. COULTER, STATE HIGHWAY ENGINEER, OREGON STATE HIGHWAY DIVISION, DEPARTMENT OF TRANSPORTATION

Senator Packwood and members of the Senate Committee on Commerce, Science and Transportation, I am Scott Coulter, State Highway Engineer for the Oregon Department of Transportation. I am pleased to have the opportunity to be here and provide you with information on what is happening in Oregon with regard to truck safety including some concerns regarding commercial vehicle driver licensing, implementation of the provisions of the Surface Transportation Assistant Act (STAA), and steps under way toward uniformity of size and weight limitations between us and our neighboring states.

The operation of a transportation system in moving goods over a network of state highways can be successful when it is a joint endeavor involving the trucking and transportation industry and the Highway Division. It is successful when the safety of other highway users is not impaired; the highway facilities are protected from damage and truckers and shippers are realizing a maximum of productivity in their transport activities.

TRUCK SAFETY

For years concern has been expressed in both the public and private sector over the involvement of trucks in highway accidents which may have been attributable to mechanically unsafe trucks or unsafe drivers. Until about five years ago, truck safety efforts were limited to those of the Safety Section of the Motor Carrier Division of the Public Utility Commissioner (PUC) plus any performed by the Federal Highway Administration's Bureau of Motor Carrier Safety. Highway Division Weighmaster activities were limited to enforcing Oregon's truck size and weight laws. The 1979 Senate Interim Task Force Committee on Truck Regulations requested an increased truck safety program from the Department of Transportation, State Police and PUC. The Highway Division Weighmasters began motor carrier safety activities in 1980. Initially, ten members of the Weighmaster field force were involved in performing random roadside inspections. As the program expanded, the number of personnel involved has increased to forty.

At the inception of the truck safety inspection program, Oregon became a charter member of the Commercial Vehicle Safety Alliance. The Alliance was established in order to promote standardized inspection procedures among the participating states. Objectives of the Alliance are to (1) promote uniformity in commercial motor vehicle, driver and cargo inspections; (2) avoid duplication of effort; (3) expand the number of inspections performed on a regional basis; and (4) minimize schedule delays experienced by the trucking industry during inspections. Fourteen states and two Canadian provinces are now members of the Alliance.

The results to date of our endeavors have been very rewarding. This program has achieved notable success in that truck-at-cause accidents in Oregon declined 15 percent in 1981 from 1980 and further declined an additional 22.6 percent in 1982. While truck mileage has been relatively constant in recent years, the number of accidents annually has trended downward since 1980 and the accident rate in 1982 was the lowest in the last seven years. With one exception, this same downward trend is evident in the number and rate of injuries and fatalities. The exception is the fatality rate in 1981, which was somewhat skewed by several multiple fatality accidents. (Information on accident injury and fatality rates from 1976–82 is included with these remarks as Exhibit A.) In addition, the estimated societal costs of truck accidents in 1982 is lower than the preceding year and is lower than any of the three previous years even though the costs reflect the effects of inflation. (Information on the cost of truck accidents is attached as Exhibit B.)

Not only does the accident and injury information show improvement, the results from the safety inspections made by our weighmasters over the last three years indicate that the trucks operating on our highways are safer. The percentage of vehicles placed out of service in 1982 was less than two-thirds the rate in the previous year and last year saw a further improvement of almost 10 percent. In addition, the number of equipment violations identified per inspection has lowered each year. Another way of expressing these results is that there is a higher percentage of trucks on our highways that can pass our vehicle safety inspection and even those that can't pass are safer this year than last.

The following table shows the results of the vehicle inspections by the weighmasters over the last three years:

OREGON STATE HIGHWAY DIVISION—WEIGHMASTER VEHICLE SAFETY INSPECTIONS

	1981	1982	1983
Vehicles inspected	4,409	8,040	9,222
Vehicles placed out of service	1,983	2,373	2,510
Vehicles, out of service, percentage	45	29.5	27.2
Drivers inspected	1,960	3,892	4,190
Drivers placed out of service	61	80	211
Drivers out of service, percentage	3.1	2	5

The basic thrust of the Highway Division Weighmasters truck safety inspection program now goes considerably beyond the matter of roadside safety inspections. In 1981, as a means of assisting the transportation industry in minimizing roadside delays, the Weighmaster unit presented the concept of terminal inspections to the Oregon Forest Products Association. This program was so favorably received that it was expanded to encompass all Oregon-based carriers. Now our Weighmasters when possible and when asked, inspect a motor carrier's vehicles at his terminals. This reduces our inspection time per vehicle and avoids the expense of delays to the carrier when his truck's journey is interrupted for an inspection.

As a further service to the transportation industry, the Weighmaster unit prepared a thirteen minute slide-sound presentation entitled "Mandate for Safety." This program is available to the transportation industry, civic organizations and any other interested groups or individuals as well as this Committee. This program outlines the minimum equipment inspection requirements and explains the concept of the Commercial Vehicle Safety Alliance. If the Committee would like to view this presentation, I would be happy to make a copy available.

One fact that I believe should be mentioned is that as important as is the condition of the equipment, over 60 percent of the truck-at-cause accidents are the result of driver error. There are two things we are doing in trying to improve the safe operation of commercial motor vehicles on our highways. The first is paying even more attention to the driver's log books and increasing the number of driver's hours-of-service inspections. We believe this has the potential of further improvements in our truck-at-cause accident records. The second concern I have regarding our commercial vehicle drivers is the process Oregon has for licensing these drivers. To obtain a chauffeurs license in Oregon, an individual must only pass a written examination in addition to possessing a valid drivers license. It is also fairly easy for a driver who has lost his license to obtain an occupational license. Our motor carriers, as employers, do have extensive responsibilities in qualifying the drivers they employ before allowing them to drive. I believe a change in our laws that featured a driving test to certify a driver as qualified to operate a classification or certain type of vehicle, and one that made obtaining an occupational license almost impossible, has the potential of eventually resulting in a further dramatic reduction in truck accidents. I have already taken preliminary steps toward the introduction of proper legislation to accomplish this.

IMPLEMENTING THE STAA PROVISIONS

Oregon has escaped much of the controversy having to do with the STAA vehicle combinations that have surfaced in many of the eastern and midwestern states. This is due to the fact that these basic combination types have operated in Oregon for several years. Double trailer combinations have operated in Oregon for over 30 years, triple trailer combinations since September 1967, and tractor semitrailer

combinations exceeding 60 feet overall with 48-foot semitrailers since 1980. The Highway Division has found them to be reliable combinations and, with the safety of other highway users in mind, the Division has approved routes through a series of test runs prior to approving highways or highway sections for their use. The off-tracking tendencies of the long semitrailers has presented some operational problems at locations where the ramps and other geometric features weren't designed to accommodate this length vehicle. Except for some buses, the 102-inch width vehicles are new to Oregon; however, we feel quite comfortable that three inches of additional width on each side of a vehicle will not present any problem traversing Oregon state highway routes. Oregon, through its use of a road class system, has operated with a form of a "designated network of highways" for years. Adaptations to meet the requirements in the STAA were therefore relatively easy.

For the record, the Highway Division has found the triple combination has a very good safety profile, with an accident rate of approximately 0.3 per million miles, as opposed to 3 to 3.5 accidents per million miles for other type combinations. These figures indicating an accident rate for triple combinations of only a tenth of the rate for all other combinations can be misleading for a couple of reasons. These reasons are the strict restrictions we have on the operation of triples; restrictions with regard to the highways on which their use is permitted and restrictions limiting their use in inclement weather. More accidents occur in bad weather and on narrow, crowded urban streets—conditions in which the use of triple combinations is very rare.

The STAA includes a requirement that regulations be enacted to require the use of splash-and-spray suppressant devices by certain dates. Oregon has long been involved in the research, development and utilization of devices to reduce "splash and spray." This involvement continues with participation this past week in the testing going on at Fort Stockton, Texas.

STEPS TOWARD UNIFORMITY

Oregon has been a leader in working toward uniformity in the rules and regulations covering commercial vehicle operations. Over the last half dozen years, I have personally lead an endeavor that resulted in almost unanimous agreement on minimum size and weight limits between the chief administrative officers of the highway or transportation departments of the 15 states in the Western Association of State Highway and Transportation Officials (WASHTO). Although all states have not passed the necessary implementing legislation, agreement between the technical leaders was reached. This agreement reflected a balance between what the various state associations of the highway transport industry collectively stated, through the Western Highway Institute they would like to see as minimum limits. The limits agreed to by the WASHTO administrators in many instances align with those in the STAA. Exceptions include some limitations in overall length and a 45-foot semitrailer.

In conjunction with our counterparts in both Washington and Idaho, we are examining what might be done to achieve uniformity in three areas: (1) Regular commercial vehicle operation, (2) Permitted heavy haul movements and (3) Transportation of mobile and modular homes. Following this study, we will be able to identify and recommend just what legislative or administrative actions are appropriate to achieve more uniformity with our neighbors to the east and north.

In response to a resolution adopted at the November meeting of the Multistate Highway Transportation Agreement, Oregon is just now entering a 120-day multistate road test in conjunction with the states of Nevada and Utah. This test is to examine the impacts and effects of operating some longer vehicle combinations on various routes. The combinations being looked at include triple trailer combinations at 11[illegible] feet, Rocky Mountain doubles at 100 feet, and Turnpike doubles at 116 feet in length. (The administrative rule implementing this study is included with this statement as Exhibit C.) The routes will be limited to four-lane highways with designated staging areas for breaking down to legal length combinations at the entrance to urban areas. The purpose of this study is to gather information for the federal report on longer combination commercial vehicles called for in the STAA from states that have experience in permitting operation of some of the longer combinations.

CONCLUDING SUMMARY

In conclusion, I believe Oregon has an outstanding truck safety program that is working. A program that reflects the cooperation that is a vital part of the strong service ethic of the Highway Division. We do perceive some advantages in changing our drivers license laws to better certify the drivers of vehicle combinations. Oregon supports the provisions of Public Law 97–424, better known as the "Surface Transportation Assistance Act of 1982," and has taken the necessary steps to implement those provisions. We are continuing our support through our involvement with the current splash-and-spray testing, our participation in studies on the longer combinations, and our involvement in the AASHTO Steering Committee, "Study of Motor Carrier Taxation and Registration Issues." As long as I am a part of the Oregon Department of Transportation, I will continue to look for and implement ways to obtain uniformity in the regulated and safe movement of goods within Oregon, as well as between states.

I would again like to express my appreciation for the opportunity to share with you my thoughts on these transportation issues.

EXHIBIT A.—ACCIDENT, INJURY, AND FATALITY RATES

	1976	1977	1978	1979	1980	1981	1982
Number of accidents	1,858	2,250	2,279	1,971	2,086	1,771	1,372
Truck miles traveled (millions)	943	981	1,095	1,159	1,119	1,069	1,075
Accidents per million miles	1.97	2.29	2.08	1.7	1.86	1.7	1.28
Injuries	568	682	876	1,090	1,316	1,048	918
Injuries per 100,000,000 miles	60.2	69.5	80.0	94.0	117.6	98.0	85.0
Fatalities	36	49	59	77	61	87	49
Fatalities per 100,000,000 miles	3.8	4.9	5.3	6.6	5.4	8.1	4.5

EXHIBIT B.—ESTIMATED SOCIETAL COSTS OF TRUCK ACCIDENTS IN OREGON

	Property damage	Injuries	Fatalities	Total
1976	$12,183,835	$8,302,967	$11,051,708	$31,538,510
1977	15,919,965	10,756,988	16,230,969	42,907,922
1978	17,769,909	14,948,115	22,996,964	55,714,990
1979	17,458,447	21,522,507	33,588,709	72,569,665
1980	20,435,645	28,739,373	27,976,492	77,151,511
1981	18,892,266	24,923,588	43,452,065	87,267,920
1982	14,922,760	22,304,589	24,060,956	61,288,305

Note: These costs are based upon 1975 cost estimates published by the Federal Department of Transportation, and have been adjusted according to the average annual rate of inflation (Portland CPI) reported by the Research and Statistics Unit, Oregon Employment Division.

[Permit temporary rule No. 52]

EXHIBIT C.—TEMPORARY ADMINISTRATIVE RULE, DEPARTMENT OF TRANSPORTATION—HIGHWAY DIVISION, ROAD TESTING OF LONGER VEHICLE COMBINATIONS

PURPOSE

(1) Section 415 of Public Law 97–424, known as the "Surface Transportation Assistance Act of 1982" requires the Secretary of Transportation, after consultation with the various state's transportation officials, to submit to Congress a detailed report relating to the operation of longer combinations of commercial motor vehicles. The detailed report shall include, but need not be limited to, a plan for establishing a national intercity truck route network, an analysis of anticipated motor freight volume, analysis of fuel savings and productivity gains, and an analysis of the safety record of longer combination commercial vehicle operations that have been previously conducted.

(2) The states of Oregon, Idaho, Utah, and Nevada, which are all member states of the Multistate Highway Transportation Agreement, have agreed to conduct with the Western Highway Institute and selected motor carriers operational testing of longer combinations of vehicles, the results of which are to be submitted to the Report on Longer Combination Commercial Motor Vehicles (FHWA Docket No. 83.9).

VEHICLE REQUIREMENTS

Exhibit 1, attached hereto and hereby made a part of this rule establishes the types of vehicles or vehicle combinations which may be used in the road testing. Exhibit 1 also establishes the maximum weights and lengths of such vehicles, and establishes certain safety regulations, equipment requirements and other general conditions for operation, however, the State Highway Engineer may impose more stringent limitations and requirements as may be deemed necessary for the road testing. Other legal requirements not addressed specifically in these rules must also be met.

APPROVED ROUTES

(1) State highways approved for travel by combinations of vehicles operating under this rule shall be those designated by the State Highway Engineer and may consist of those highways having two or more lanes for travel in the same direction.

(2) In addition to those highways described in subsection 1, additional state highway routes may be approved by the State Highway Engineer for access to points of loading and unloading, food, fuel, repairs, and rest.

(3) The highway routes which may be approved for travel under this rule may, if deemed appropriate by the State Highway Engineer, be subjected to trial test runs to ensure that the movement may be performed in safety.

TEST PERIOD OF TIME

Operational testing of vehicle combinations as provided in these rules is to be completed within 120 days from the date when the rules are first adopted.

The CHAIRMAN. Next we'll take Jim Fitzpatrick, Council of Safety Supervisors for the Oregon Trucking Associations.

STATEMENT OF JIM FITZPATRICK, COUNCIL OF SAFETY SUPERVISORS, OREGON TRUCKING ASSOCIATIONS, INC., PORTLAND, OREG., ACCOMPANIED BY MICHAEL MEREDITH, MANAGING DIRECTOR

Mr. MEREDITH. Mr. Chairman, if I may, I'd like to introduce Mr. Fitzpatrick. My name is Michael Meredith. I'm the managing director of the Oregon Trucking Associations.

The Oregon Trucking Associations is headquartered in Portland, and represents 100 motor carriers operating in and through the State of Oregon.

Our purpose is basically to promote safe, efficient, and responsible motor carrier transportation.

Since this hearing is on truck safety, I wanted to bring along someone who we consider to be a foremost authority on the issue.

Mr. Fitzpatrick has a number of years in the field of truck safety. He's been the former regional director of the Bureau of Motor Carrier Safety, and is now serving as a consultant on safety issues to the Oregon Trucking Associations.

Jim is also a director on our board of directors for the OTA Council of Safety Supervisors. And it is in that capacity that we've asked him to appear today in representing the OTA's Council of Safety Supervisors.

The CHAIRMAN. Good to have you with us. Thank you.

Mr. FITZPATRICK. Thank you.

Mr. Chairman, I'm pleased to be here today speaking for the Oregon Trucking Association's Council Safety Supervisors. Let me give you just a little bit of a background of the council.

The council is an organization of professional motor carrier safety administrators from industry, governmental agencies, operating fleets, and allied members with motor carrier safety interests.

It represents every type and class of motor carrier operating within this State. That is, for-hire carriers, private carriers, and public carriers.

The council has been requested by your office to comment on some specific areas as they affect Oregonians.

First is the general trucking safety concerns. Next is any Oregon State programs. Next is specific motor carrier safety concerns. Third, any industry motor carrier safety programs we're involved in. Fourth, any problems we are having with larger vehicles permitted under the assistance act of 1982. And, finally, any national legislation needs in the motor carrier safety area.

First, I want to emphasize that the trucking industry represented by Oregon Trucking Associations is committed to the development and preservation of a safe, efficient, responsible motor carrier transportation system, adequate to meet the needs of Oregonians.

Second, we feel that this industry has some of the most outstanding safety managers in the business. We also feel that Oregonians have an effective coalition between industry and local, State and Federal governmental agencies that allow Oregonians to more effectively identify and resolve safety issues affecting motor carrier safety on the highways in Oregon.

I think you've heard a lot of that going on here this morning.

Third, we feel that there are some areas that can make a good situation even better. And I'd like to highlight some of these as we go through the various subjects that I've been requested to address.

To get on with the subjects that I've been asked to cover. Let's begin with some of the general trucking safety concerns.

My comments would be mainly toward legislation, more than it will about regulations that would be promulgated by agencies.

Our major concern is that from the national level we do not see a logical, synergistic motor carrier safety management approach to identifying and managing safety problems affecting the motor carrier transportation system. What we do see is a litany of well-meaning independent activities and resources thrown at vague and unidentified problems.

What do we mean when we say, "motor carrier management systems"? Now, when you want to build a building, do you come up with a specific design; plans, materials and schedules, and labor needs? Or do you simply tell the carpenter to drive so many nails and a bricklayer to lay just so many bricks where he wants?

Experience has continually shown that highly successful businesses usually have written, measurable goals, with plans on how to achieve them. We want to see these principles applied to the national level. When designing motor carrier legislation and motor carrier safety programs.

We want to see a national motor carrier safety management system that has clearly defined policies stating specifically what is to be achieved.

We want to see specific safety goals in terms of levels of safety expected, instead of expressing them in terms of activity levels.

We want an information system that hears both government and industry safety management information so that we can rationally establish priorities.

We want to see specific plans developed and implemented, and evaluated against those previously identified and previously defined goals.

We want all activities to be regularly evaluated to see that they are still relevant to the stated policies and goals.

And we want priorities based upon fact. We want to know what the house is supposed to look like before it's started. We want to know how much it will cost. We want to know the secrets in the building process.

And we want to know through construction that things are going according to the plan, and we want to know when it's finished.

Unless we have such an approach, industry and governmental safety administrators will frequently get sidetracked on meaningless programs, projects and activities that will result in nail driving and brick laying instead of building a building that we can all work toward.

The Oregon PUC—and I'll use acronyms here—I guess everybody's familiar with that. But the Oregon PUC is one State agency that is committed to the systems approach to managing motor carrier safety.

From my viewpoint, there exists an excellent relationship between the Oregon PUC, the Oregon Department of Transportation, the State police and the other agencies that they mentioned today, in motor carrier safety matters. As well as between the Oregon PUC and some major Oregon counties and cities involved in motor carrier safety activities.

The Oregon PUC has been an outstanding member and leader in NARUC and the National Conference of State Transportation Specialists. They work closely with industry as leaders, and when necessary, as partners also.

The Oregon PUC has the—was the leader in forming the Commercial Vehicle Safety Alliance, and this is the only association of government agencies solely committed to motor carrier safety.

We support Federal funding of a safety management approach to resolving motor carrier safety issues at the State level.

Moving on to specific industry problems I've heard some of them mentioned earlier.

One of the major ones that we see is the driver failure types of accidents. Driver-at-fault accidents are responsible for better than 80 percent of the accidents. Yet we spend less than 20 percent of our resources on this important area. Much less than most of us still spend on vehicle requirements and areas of that nature.

Within the driving part, we are particularly concerned about unqualified drivers. We feel that unqualified drivers are treated too lightly. There's not enough scientific data developed telling us what qualified and unqualified drivers are.

If you compare this to what goes on in the aviation field, if you're familiar with the Civil Air Institute and Federal Aviation Administration, their budget for the Civil Air Institute is probably that of the whole motor carrier safety. And we don't have enough information about truckdrivers.

We need to be able, through the management process, to get them out of the system where they are unsafe.

The CHAIRMAN. Let me interrupt and ask a question here. Because you recite very correctly Oregon's great program. By and large it is well run, well managed. And at the same time, you talk about the Federal safety program, and it's been sporadic, and—a dab here, and a dab there, and I think you used the word synergistic. It needs to be brought together.

If we try that at the Federal level, how at the same time do we insure that we don't jeopardize good programs like Oregon's, and—which I don't want to do—and yet if we leave every State to have its own program and still try to have a Federal program, and that you're going to have disparate and different standards and qualifications, how do you harmonize those two?

Mr. FITZPATRICK. All right. I'm glad you asked that.

Let me explain, first off, I don't mean to be critical of the way that the different agencies administering the program right now, except for the synergistic system lacking in legislation.

There's nothing in the legislation that requires this. And that's the reason the agencies can't get behind it. You can't have uniformity unless we all know the building we're trying to build. All you've got is one person going around pouring concrete, and another driving nails in.

If we've got something we're all going to work for, then the Federal agency's going to do it, but the system's what we're talking about today, and then all of these other things fall into place.

You don't have an inspection program just to have an inspection program. We need to define what it is that we're looking for, what level of safety.

The CHAIRMAN. But if we define it at the Federal level, do we preempt the State and say, "Here's the best standard we think we can come up with. We've listened to testimony on all counts, we thought Oregon's program is good, and we've adopted a lot of this." We then preempt the State?

Mr. FITZPATRICK. Before we get to the preemption part, though, it's still—each State should have a State management system, which identifies problems in such a way that they can develop local programs to deal with those.

Now, when you come up with that, then, you come up with a preemption. In other words, you want uniformity across the Nation, but every State needs to have a safety management system, you know. Otherwise, they can't support, you know, the safety programs within the State, nor can they get the funding for those kinds of programs, because they can't really show the cause and effect.

The CHAIRMAN. Are those for safety management programs, or safety problems unique to that State? In testimony received by the committee, I don't find that the problems are that disparate from State to State or that you need different standards.

Mr. FITZPATRICK. No; when you're talking about vehicle standards, they would be uniform.

OK, but there's still local things that do apply locally. You know, there may be some routes—truck routes, of course, are different in every city you go to.

The CHAIRMAN. But you're talking about some kind of national safety policy. We've earlier heard about national licensing of drivers.

And so what you're going to leave to the States are those safety enforcements that are really very unique to that State.

Mr. FITZPATRICK. Yes; but before we get to that, to the national licensing, you know, what I'm saying is, do we have a system that has identified that as being the most pressing problem? You know, what reuslts do we expect, and how are we going to tell whether we got them or not?

If not, then we adopt a big bureaucracy that does nothing but register drivers, and when we get through, we've not gotten the driver out of the system.

The CHAIRMAN. All you've got is a national register of drivers.

Mr. FITZPATRICK. Yes; and so what I'm saying is that—we need an umbrella from a legislative standpoint that puts the responsibility on all of those that are going to be involved in safety, at the government level, and the private level, but if not, then we would likely go off on a tangent. So that's what I'm trying to get at there.

OK, another thing about the driver area. Is that, you know, in some of your European nations, before a driver can drive he has to go through an apprenticeship. Or a pilot wants to fly a plane today, you can't just go down and buy one. He has to meet a qualification process.

At the same time, he has an awful lot of responsibility out there on the highway. When you get ready to land a plane, the plane has to be what—I've forgotten—a mile and a half—several hundred feet behind the next plane.

And yet on cars and trucks, we're running out there, at 10 or 15, to very few feet, and yet, on two-lane roads, we're very close together, too.

In air space, you don't have that kind of problem, and yet we've got greater standards for pilots than we do for truckdrivers.

We don't have a required training qualification for drivers now. And we need something to go through to see the drivers have that.

We don't have a real standard testing to see that drivers do understand and are able to do all the things that they should do. And again, this is similar to FAA.

The next thing is trying to get the unqualified driver out of the system. And again, assuming that the allegations that I've made that this is one of the major problems, again intuitively, I believe that. We don't have all the statistics to show that, but assuming he is, and that we have our industry experience, that if one person identifies a driver as being unsafe or unqualified, and he terminates that driver, there's nothing to keep him from going right down the road and getting a job at the next company. Now that helped the company that got rid of the driver, possibly, but it doesn't help the system.

What we would like to do is to have something—and I don't have the answer to it, but there are some avenues—we do have the retraining programs in other areas. Usually it's unemployment of some kind. But you can't drive a person out of that industry if you can't find him another job.

The CHAIRMAN. The analogy in a totally unrelated subject is the debate over the issue of industrial development bonds which local governments or port authorities use to attract business. Overall, it does not

create any more businesses in the United States; it's just simply a question of Coos Bay stealing it from Raleigh, N.C., or can Coos Bay steal it away from Bend.

There are no more jobs. They go from one place to another. It doesn't create industry. It's exactly what you're saying. You can move a driver from place to place. It doesn't get him off the road.

Mr. FITZPATRICK. Right.

Getting into some more specific industry problems, what the association has done is, through the analysis process, have identified five areas that are responsible for 80-plus percent of the preventable accidents.

And these are situations like following too close, improper lane change, improper right and left turns, too fast for conditions, and failing to maintain control.

Now again, while we have an overall record, when you get right down to it, you find your information, these appear to be the things that are still causing the rest of the problem.

And what we would like to see, again, is some kind of national research in these areas that will help us determine what causes these things and what we can do, and the broad approach. Not just an inspection program, and not just something else, but a systematic approach to reducing those.

The CHAIRMAN. Well, again, you were talking about the approach that we try to take in the airline industry. Why do pilots fail? And you know, it's not just that they are 60 years of age. There are many able pilots of 60, and there are better pilots at 35. There always will be.

Are there factors you can ferret out ahead of time? You can't transfer from United to Delta to Northwest if you shouldn't be flying at all.

Mr. FITZPATRICK. Now, I want to digress with something that I don't have on the notes, but—and I'm going to put in some opinions of how I feel that this has happened.

You know, I don't feel like the motor carrier safety area, that they're getting the resources that other modes of transportation are. And I feel that one of the reasons for this is, we don't have any recognition at the national level that a motor carrier safety system even exists. The transportation department doesn't recognize it as a system.

OK, if you don't have a motor carrier system existing, then, you know, you can't have the level of safety that FAA gets. You know, to do those things. There's no advocacy group back there to look after the interests of trucks, and that's what I'm saying.

So I see that as one of the major problems of how it's decreased to the position it is now.

See, in 1967, when the DOT was created, the only thing that came over to the department from ICC for motor carriers was motor carrier safety, and then it was buried deep in the large organization. And it didn't have the kind of visibility that it does have—that safety has on the FAA.

Moving on to industry programs.

The Council of Safety Supervisors provides—adage statement is to promote safe, efficient, and responsible motor carrier transportation.

The council's board of directors are divided into three major groups, one, professional development; second, the safety community development; and the third one is safety image development.

And again, what we're trying to do in this is, once we identify the different problems that we have, and we try to get these different committees to take a systematic approach to resolving those.

That we feel like, for example, some of these issues that we mentioned earlier—following too closely, improper lane change, too fast for conditions—a lot of these things also relate to the automobile traffic, and there needs to be something to help on the interrelationship of nontruckers with truckers.

As far as we know, under driver education, to my knowledge there's not anything in there that trains our youth today in how to interrelate with trucks.

And if you drive down the highways, you're going to freak out when you see something like a 3,500-pound automobile trying to force the speed limit with another automobile, or with a truck or something else.

And I don't see those things being taught in our schools in the driver's training.

OK, the council has recognized that the system management approach is the soundest that we've come up with. We've analyzed our accident and our priorities. Those are the same situations that we have previously stated.

We've already developed standards for the Oregon Trucking Associations. And for their member companies. And these standards they use to train, to supervise, to discipline, or what have you.

And we envision that these standards will be useful to the training organizations that have driver training, and also for licensing agencies if they decide to go that route.

The council took the leadership in forming the Northwest Alliance of Fleet Supervisors, which includes the Washington State fleet supervisors, and British Columbia. And then we are working on these five key areas that I mentioned.

Plus, we have the I–5 corridor program that we're trying to implement, and to see if we could have any effect on what those problems are.

And we do have an ongoing I–5 campaign that concentrates on these areas, and we hope that within a year or two we'll be able to go back and evaluate the effectiveness we've had in this area.

Our next topic was problems with safety of larger vehicles under the Surface Transportation Act of 1982. It won't take long on that, because we don't have any that we're aware of. We have a good record in that area. We're proud of it.

The CHAIRMAN. This is where I indicated earlier our problem seemed to be coming from a few States in the East, and I think it's because they're not used to the situation. They're more frightened of the unknown than they are basing their views on any experience. If they were to come out here and talk to you and talk to the PUC commissioner and look at the highway statistics or anything else, I think they would find their fears are unfounded.

But I don't think they're doing that. They picture something—what they think is a locomotive, practically—on the highway pulling hundreds of cars, and they just don't want it.

Mr. FITZPATRICK. I think you're right.

In summary, if there's any one particular thing that I want to get across today, it's that we want a management system to meet the needs of the motor carrier industry.

That motor carrier safety management system must include a clearly stated motor carrier safety policy. This policy must call for crash, death, injury, and property damage problem identification; clearly defined goals in terms of expected levels of safety; clearly defined measures to know the progress or lack of progress; clear plans and programs and so on to get—to accomplish that. Designed to meet the previously stated goals.

We need implementation plans and schedules and procedures. And just as importantly, is a required scheduled evaluation and reestablishing of priorities and goals.

We must design a house that we can all enjoy building, and one that we can know when it's finished.

Thank you for allowing us Oregonians to testify today before this committee, and if you'd like any clarification of any of these points in the future, we'd be glad to supply them or sit down and talk with your committee staff.

The CHAIRMAN. I want your opinion on one subject—motor carrier safety. The present suggestion of Secretary Dole is to move DOT's motor carrier safety functions into a new safety administration. Would you keep the Bureau of Motor Carrier Safety where it is, or would you move it?

Mr. FITZPATRICK. Well, I hate to have just an either/or situation.

The CHAIRMAN. You don't have to confine yourself to either/or.

Mr. FITZPATRICK. All right. To me, it's buried. Right now. And the move is not going to give it the visibility it needs.

It does not have the visibility; it does not have the resources; and there's no way that we can compete in this mode of transportation unless we can get the resources that we need to manage a—to have a motor carrier management system.

So I don't think it's adequately in place now, and I don't think the move is an adequate placement.

Now, I think it's too low a visible spot. That's my opinion.

The CHAIRMAN. Second question. As you're aware, both the truck safety legislation reported by the Commerce Committee and the legislation now pending before the committee would require the DOT and the ICC to develop a meaningful safety fitness standard for companies seeking entry. Do you have any position on this provision?

Mr. FITZPATRICK. Yes; I think they should show that they have a knowledge of this—safety—motor carrier safety responsibilities before they operate on the highways, and prove that they have some kind of knowledge in that area.

But again, I think that that needs to be taken in the context of the total system. You know, and I caution about, you know, going off on requiring one group of circumstances, again, like licensing or fitness, or other things, unless it's a part of the synergistic system.

The CHAIRMAN. Good answer.

Fellows, I have no more questions. Thank you very much.

Mr. FITZPATRICK. Thank you.

The CHAIRMAN. Give my best to Bob. I think I'm due to see him on Friday, as I recall.

Next, we'll take Bob McKellar, the president of the Oregon Forest Products Transportation Association.

Good morning.

STATEMENT OF ROBERT McKELLAR, PRESIDENT, OREGON FOREST PRODUCTS TRANSPORTATION ASSOCIATION, SALEM, OREG.

Mr. McKELLAR. Good morning. I appreciate the opportunity to be here.

I find myself in an interesting position on the agenda. None of us came here, I guess, to be overly complimentary to each other. But after hearing the testimony that went before, I think that we're very fortunate in Oregon to have the quality of agencies that we have, and the quality of people that we have that are interested in this subject.

And that makes it all the more fun to work in Oregon as opposed to some other places.

The CHAIRMAN. You want to mention the other places? Never mind.

Mr. McKELLAR. You know, I have some prepared testimony which I want to give, but I have a couple of other thoughts.

I must be growing up, because a couple of days ago in the shower, where I do my best thinking—I tried to figure out how to get a shower in my office so I can think longer.

The thought has come to me—and I think it's true—I worked for these folks that I work for for 23 to 24 years.

And when I was young and excited about things—I'm still excited—but when I was more liberally excited about things at that time, I thought we could take these subjects that were important, and we could bring together a group of people like this room, and we could dispatch of them; they could be gone. We could solve them and not have to worry about them again.

And I guess after 20 some odd years, I've finally come to the realization we can't do that. That the same subjects need the same attention over and over and over again.

And the one we're talking about today, and a lot of other ones like regulation and deregulation and all kinds of other subjects that have been really important, and have really taken our time and effort at the State level, as you know, and in associations, and people's time and effort, there's just more of them now. And they're more complex.

And I think it needs to be, and is becoming more complex because we have more people on the roads, we have more needs for trucks, we're going to have more trucks, more freight, and more everything else is going to move on trucks.

And so I'd have to support everything that the fellows from the Oregon Trucking Associations have just said.

I don't know that we're going to solve this problem. Because the problem is going to keep changing. And I guess maybe that's where we have to go, is to think that we have to put something together that will allow us to adapt to the changes that are coming.

The State of Oregon is working on a State transportation plan right now. How do we know at this point where trucks are going to go and under what circumstances?

Those are the kinds of things that maybe this piece of legislation that we're talking about can address, some of these kinds of things on safety, and maybe that would be a valuable asset to the State.

Certainly, I think many of us agree that if the State can administer, if the States can administer and there's some kind of an overall guide-

line that we're working against, that perhaps the States and the local areas can administer more effectively, and perhaps at less cost than the Federal program.

The CHAIRMAN. You know, Bob, I think there's no question about that. I've been in politics about as long as you've been in your business, and I've come to the conclusion the Federal Government cannot manage. I don't mean set standards, I mean manage anything very well. We are not very efficient at it.

And to the extent we can agree upon standards, we are infinitely better off to let the States enforce them. As long as they meet the level of enforcement, the fact that Maine might choose to do it in a way slightly different from Oregon is to no one's detriment as long as we don't fall beneath the standard. I agree with you totally.

Mr. MCKELLAR. One of the people that I represent—and I probably —I'm using up all of my time in visiting, I guess. I probably better pay attention to what I'm doing.

I'm here representing the Oregon Forest Products Transportation Association, which used to be called the Oregon Log Truckers Association.

The folks I represent haul everything that's wood. Chips, shakes, lumber, logs, plywood. You name it. Made out of wood, we haul it.

I'm also here today representing the American Pulpwood Association and the Associated Oregon Loggers. And the American Pulpwood Association is the national association that I know you're acquainted with. They have members in this area. They're interested in what you're doing here today, and they're interested in the particular area I'm going to cover. As are the Associated Oregon Loggers. And so I'm pleased to be able to represent them today.

One of the areas in the S. 1108 that we have a concern about, and I'd like to address, is on page 78. And it's under parentheses three, employee, is the title of it.

And what it says in there, under that, is a driver of a commercial vehicle, parentheses, including for purposes of this act only an independent contractor, while in the course of personally operating a commercial motor vehicle * * *.

We don't have any objections to independent contractors, which we represent mostly, being included under this act. But we do object to them being classified as employees.

And we recognize the fact that you and your staff have made some considerable effort to change that, but I respectfully suggest that you haven't gotten there yet.

And it's very important to us, and one of the key words in there, which is a tip-off, is "for purposes of this act only."

Unfortunately, in the legislative business, as you know, we operate on precedents. And while our intentions are good, that it's for this act only, that this general subject of identifying an independent contractor as an employee, and back to the IRS and some other interests, that's really important, and we're quite nervous about that.

And we'd like to suggest that there may be a variety of ways to change that in this place of legislation. But if there's——

I was always told by the Packwoods and others that if you're going to come and object to something, you have to offer some kind of a

reasonable alternative to it, and so, remembering my lesson, I'm offering a reasonable alternative.

And that is, that on page 79, after line 15 and before the heading of duties, that you create paren six, entitled independent contractors.

And you might put any langauge that is appropriate beneath that, but—you might just copy the language in paren five, but it—where it talks about employer, and eliminate the reference to employees.

At any rate, we would urge you to give some thought to identifying independent contractors in another manner other than——

The CHAIRMAN. Well, I know your fear, because the IRS is forever looking to find ways to call people employees who we think are independent contractors, and any hook we can give them, even it if has no relation to the Internal Revenue Code, is in their mind one more bit of evidence that you're an employee.

Mr. MCKELLAR. Absolutely.

The CHAIRMAN. And when you talk about things that never end—as long as I have been in the Senate, this battle—whether you're a truck driver or an Amway salesperson or what, we intend one thing, and the IRS pushes and prods. Unless we just say no, they will do the best they can to bring you in.

Mr. MCKELLAR. For that reason, we urge it. Thank you. We urge that this be changed.

With regard to—and I want to—I want to skip along here. There are many sections of the bill that indicate studies and some attempt to develop. We support those.

We would like to suggest, though, that we have often found that such studies have been undertaken and completed without people being consulted who are actually involved in the industry.

And the folks I represent are sometimes not considered in the mainstream, because we do our work in places removed from meetings, mostly.

And so as these studies are done and as this process is carried on, we'd like to suggest that Oregon, and certainly our industry in Oregon, be given an opportunity to have some input into hearing processes like these, or what other manner is appropriate.

With regard to the drunk driving, drinking, drugs, our association has a policy that's absolutely opposed to—and so do the other associations that I represent here today—absolutely opposed to anybody driving that is drinking or under the influence of drugs. That's becoming a more important, more serious problem.

Safety in the trucking industry was a main reason that OFPTA was organized in 1961. We have a policy handbook that addresses safety and accident prevention, which is this document right here.

Every one of our members are supplied with this. It's a complete program for not only the independent contractor, but the firms that are members, that have employees, for training those employees and training themselves. There are complete guidelines for safety programs in here.

And all of the Federal rules and regulations, all the State rules and regulations, and there is a process in here whereby every driver and every owner who drives has access to all of the current information.

And we have a variety of safety programs, including, five times a year, we have peer review on all the accidents in our industry.

We have tried to develop within the resources available to us a complete safety program. It's still not good enough. Our industry has an excellent record, one of the best in Oregon. But it's still not good enough. And we continually attempt to improve that.

Another area that we are concerned about, and it was mentioned previously, so I'm only going to mention it briefly, but that is that we believe that—or I should say that our forest products transportation council, within our organization, has recommended to our board of directors that they are considering taking a position on the Federal driver's license issue.

There are many persuasive arguments for this. And as of this time, our association has not taken an official position on it. They will on the 7th of April. And that's an issue that's receiving much consideration.

The stories that you've heard before are quite evident in our industry also, and the person who gets fired here just moves on down the line a ways, and those are the kinds of national—I think with this driver's license, certainly one of the aspects that would be good is that there would be a national source of information concerning that driver. As well as driver qualifications.

With regard to placing an increased emphasis on computerized safety recordkeeping, we can't speak for the other associations on the subject, but we will be considering in the next few months ways in which we can access that kind of thing, and also with the truckdriver's license that we've discussed.

I wasn't—I wasn't given a list of things to respond to. I do have one other comment that I'd like to make.

That the—one of the serious issues that our industry is facing is the quote, unquote, diesel differential situation.

And I would just like to thank you—take this opportunity to thank you for your interest in that subject. And your support of a position that we've been promoting.

And I hope we're successful, because if we aren't, it's going to be a severe blow to the forest products transportation industry.

The CHAIRMAN. I'll give you credit. Oregon was the first one to call it to my attention.

I realized when we passed the truck tax and the heavy flat fee, nobody in the trucking industry liked it. No, they dug in their heels. At that time they didn't really make much of a suggestion about a diesel differential or anything else—here I'm talking mainly about the American Trucking Association [ATA]. They took an all or nothing gamble, and they lost.

And then, when people who drive their trucks 14,000, 15,000, 16,000 miles a year—even if they have a heavy truck—and it's laid up 9 or 10 months because their business is down, they were still stuck with the same flat fee. Then we came around to the diesel differential.

But I think had you and others in Oregon not called it to my attention, we would not have moved as far down the road as we have. I think we're going to get it.

Mr. McKellar. I hope so, because the financial impact on a log truck, for example, the financial impact is a minimum with that tax package.

The so-called 5-cent gas tax, which I'd also like to talk about for about 10 or 15 minutes, but I won't.

But the public doesn't understand, you know, when you say a 5-cent gas tax, that was just the tip of the iceberg. All these things, the public still doesn't understand what's under there.

But the financial impact on a one-truck owner-operator in the State of Oregon in the forest products business is a minimum of $3,700.

The Chairman. Yes; I know.

Mr. McKellar. And if you look at the average income of that same person—you will find that the personal income of the person that drives those kinds of trucks in the State of Oregon—you will find a $3,700 increase represents between 40 and 55 percent of their income. And that's why it's really important.

If I could answer any questions, I'd be happy to.

The Chairman. Have you had enough experience with the nationwide uniform truck limits, weights and lengths, to tell if it's made any difference?

Mr. McKellar. No; not really.

The Chairman. It's been a short period of time. Therefore, you have no nationwide safety experience. We have the experience in Oregon of a number of years, but nothing nationwide.

Mr. McKellar. Right.

The Chairman. That's all the questions I have. Again, let me congratulate you on this last question you mentioned on the diesel differential.

I think now we can win it, but that is one where those who are opposed to any tax at the start decided they'd make it an all-or-nothing gamble, and it turns out they lost everything.

Mr. McKellar. Well, we're anxious to do whatever's necessary, so I hope we will—keep us in mind.

The Chairman. Thank you.

We'll conclude today with Mr. Joseph Clapp, who is the senior vice president for Roadway Express. He came from Akron, Ohio, today for his testimony.

Good morning.

STATEMENT OF JOSEPH M. CLAPP, SENIOR VICE PRESIDENT, ROADWAY EXPRESS, INC., AKRON, OHIO

Mr. Clapp. Good morning, Mr. Chairman.

One of the advantages of being last on the program, I guess, is I get a little more chance to adjust to jet lag, which I did experience; and I thought about you, as a matter of fact, on the way out here, because I know that it's a trip you make a lot more than I do.

The Chairman. Actually, I learned something a long time ago. And I don't mean it's in any way the equivalent.

But President Nixon used to go overseas for major conferences or negotiations. He would always fly someplace close to where he was going, and then lay over for a day or two before he would go into serious negotiations.

And I try to do that when I come to Oregon. I'll try to get here the day before and not have any heavy scheduling the first day I'm here.

I have found if I get off the plane at 3:30 or 4 o'clock in the afternoon and try to appear rational at 5 o'clock, it often does not come out. Also, there are those who think that even after a day's layover it makes no difference.

Mr. CLAPP. Well, I'll know that next time.

Mr. Chairman, I am Joseph M. Clapp, senior vice president of Roadway Express, Inc.

Roadway is one of the largest motor common carriers of general freight. Our company operates in all 48 contiguous States and in Alaska through more than 520 terminals.

Mr. Chairman, Roadway shares your commitment to promote highway safety in trucking operations, and today's hearings were timely, because we now have some considerable experience with the more productive equipment authorized for use in all the States by the STAA; and we welcome this opportunity to comment on the operational safety of this more productive equipment, and to provide the committee with evidence and suggestions which will result in safer and more productive trucking operations in the future.

Our testimony today will be placed in context by recalling that your committee reported a bill on December 14, 1981, which became the basis for national uniform standards for size of vehicles operating in interstate commerce.

Those national standards were established, I should note with some emphasis, only after an evaluation of the safety characteristics of the equipment.

The national uniform standards include, of course, the use of twin 28-foot trailers of 102 inches in width on the interstate system, and other qualifying Federal aid highways as designated by the Secretary of Transportation.

Our comments will address primarily the safety record of twin-trailer operations, as our company has initiated a $200 million fleet conversion program to equipment of this configuration.

Mr. Chairman, we believe at least three important safety benefits will be achieved from the widespread adoption of twin-trailer operations throughout the country.

First, and most obvious, they will be reducing exposure to accidents, because there will be fewer trucks on the highways.

Second, the use of vehicles with a width of 102 inches will significantly improve stability and reduce the likelihood of roll-over type accidents.

Third, the use of 28-foot individual trailers in local pickup and delivery operations will reduce traffic congestion.

The first safety benefit, of course, is self-evident. The standard 45-foot by 96-inch semitrailer which was in widespread use before the adoption of the STAA uniform standards, has a capacity of 3,067 cubic feet of cargo space.

The twin 28-foot by 102-inch trailers have a combined capacity of 4,200 cubic feet. Thirty-seven percent difference.

Therefore, the same freight can be transported with fewer trips.

In Roadway's case, we anticipate conservatively that our highway mileage will be reduced upward of 10 percent in hauling the same

amount of freight when our equipment is fully converted to the twin trailer configuration.

The CHAIRMAN. Say that again. How much?

Mr. CLAPP. Well, we don't know for sure, yet, but it's something north of 10 percent.

Our estimate is that if all of our equipment had been converted in 1983, again conservatively, 81 fewer accidents involving our equipment would have occurred in that year. Based upon the reduced exposure to accidents that would have been realized with the more productive equipment.

Mr. Chairman, the accident rate for twin trailer operations is at least as low as for standard semitrailer operations. Actual experience on the highway has proved this point.

The computed reportable accident rate, as noted in the August of 1981 University of Michigan study, was 1.234 per million miles for single trailer trucks, compared to 1.228 for twin combination vehicles. Perhaps virtually the same.

The cumulative data, compiled over a 12-year period by the Bureau of Motor Carrier Safety, show that tractor semitrailers through June 1983 had a record of 1.12 reportable accidents per million miles, compared to a lower rate of 0.785 for twin trailers.

In the case of Roadway, our company has accumulated some 30 million miles of experience with twins since late 1982. Our twin trailer equipment has operated more than 522,000 miles per accident of any type—any type—compared to about 428,000 miles per accident of any type for our tractor semitrailer combinations.

I should note, our data are not comparable to the Michigan or BMCS data in that, ours include any incident, no matter how slight, while the others are subject to a reportable threshold of $2,000 of damage or some injury. Thus a $500 accident would show up in our accident rate, but not in the others.

The second major safety benefit from twin trailer operations results from the improved stability of the 102-inch equipment.

As you noted in the Senate debate in February of 1980, Mr. Chairman, the Michigan Highway Safety Research Institute has found that from a roll-over standpoint, 102-inch-wide vehicles are safer than 96 inches.

The most recent analysis for the Federal Highway Administration shows that the 17 percent improvement in stability of a loaded 102-inch unit may be expected to yield an approximately 34-percent reduction in the likelihood of suffering a rollover on the highway.

In addition to improved roll stability, twin trailers have less tendency to jackknife than a standard 45-foot semitrailer cmbination, and twins have less splash and spray.

The positive safety aspects of the STAA authorized equipment, in short, are substantial and will result in a safer highway environment.

Mr. Chairman, the third safety advantage of the new equipment, and the least obvious, occurs in local pickup and delivery operations. If an individual 28-foot by 102-inch trailer can be used in lcal pickup and delivery instead of the 44-footer by 96-inch, that we're using today, there will be a substantial improvement in traffic operations in many localities.

The CHAIRMAN. Why? Elaborate on that.

Mr. CLAPP. We're dealing with a smaller truck instead of a bigger truck in the local areas where most people encounter the trucks, as opposed to the intercity——

The CHAIRMAN. And you're saying on local pickup and delivery, indeed you can use a smaller cubic foot truck, and it would be perfectly adequate for your local purposes?

Mr. CLAPP. That's right. Indeed, we must use—because we have to use the same vehicle over the road that we use locally. Otherwise, we would get into forced rehandling of every shipment, which is prohibitively expensive. Three out of four of our local pickup or deliveries are made in the larger road trailer today.

The CHAIRMAN. So you have the additional advantage of less traffic congestion, in addition to the safety?

Mr. CLAPP. Absolutely. And maneuverability.

Although the STAA's national uniform equipment standards were carefully crafted to promote productivity while maintaining safety, one significant problem requiring legislative action has emerged from our day-to-day experience under the new law.

And that problem lies in local delivery service, and this committee has an opportunity to address it and to enhance further both safety and productivity.

Roadway has produced a videotape which graphically demonstrates this opportunity, and I'll show the tape with your permission in just a moment. It's about 10 minutes in length.

As you will see, we provide shippers with pickup and delivery service using standard vehicles. There is no intention to use twin trailer combination in local service. But individual 28-footers not only can be used quite conveniently; but should be.

Our videotape is entitled "More is Less," because the combination really is a bigger vehicle, but it's really less when the combination is broken down into the individual pickup and delivery units once we reach the terminal.

With clear authority to use this equipment in pickup and delivery, the STAA standards will result not only in safer highway operations, but in less traffic problems where deliveries must be made.

Mr. Chairman, Oregon and 25 other States allow the use of a 102-inch vehicles in local service without restriction. The benefits to important industries such as the forest products industry are apparent.

The trailers can be loaded with standard pallets and 4 by 8 panel side by side. If the same trailers can't be unloaded at the consignee's dock in the other State, however, the system just doesn't work.

Mr. Chairman, the intercity bus and the typical transit bus are a 102 inches in width. These buses have virtually universal access, but the STAA reforms fail to include comparable access guarantees for motor carrier equipment of the same dimension.

In order to correct this problem, the technical amendment to the act is required to insure access to point of loading and unloading for the individual 28-foot trailer units of 102 inches.

Mr. Chairman, we will be prepared to suggest the technical legislative language which will meet these requirements for more productive and safer operations.

And now, with your permission, I'd like to show our short videotape which demonstrates this point clearly, I think, and after that I'll be pleased to answer any questions.

The CHAIRMAN. Let me ask you some questions first, and then we can conclude with the tape, if that's all right.

You are familiar with the bill posed by Senator Moynihan and others to allow the States not quite to be exempt from some portions of the STAA, but certainly to request exceptions with strong suggestions to the DOT that they allow those exceptions. What's your view on that?

Mr. CLAPP. I think that that's probably not a bad idea. It has to be balanced with the concern for the national system, if you will.

The CHAIRMAN. Well, it's clearly balanced, and this is not one where the States can, by themselves, opt out. They can make a strong suggestion to the Secretary of Transportation that the States' concerns be taken into consideration.

Mr. CLAPP. I think the States are possibly in the best position to make those kinds of recommendations. As they have been during the highway designation process. And the Federal preemption, of course, gets to be our sole point.

But it's a cooperative effort that should be undertaken, and I think that there may well be a place for that kind of thing.

Frankly, I would like to see it put in concert with the approach that I'm suggesting here. That we deal with this minor problem that we have that becomes a major problem.

It's the nail for the horseshoes; it's like having an expensive new camera with no film to go in it, or this TV set without a plug.

So, I'd like to combine those things, perhaps.

The CHAIRMAN. Well, let me ask you another question, unrelated to safety.

How did Roadway do on its earnings last year, and especially the last couple quarters?

Mr. CLAPP. Since business has been so bad and we didn't need any new equipment—our equipment became fully depreciated, and fuel costs were down, we got some wind at our back last year. But we did have a good year, and business picked up, particularly in the last quarter.

Our earnings—we had a good year last year. In fact, Roadway has had over 25 years of consecutive improvement in the earnings. Obviously due to the good management. What can I say?

No; we've been very fortunate, and we're most pleased with the results that we had.

The CHAIRMAN. Well, as you're well aware, as we move through this truck deregulation decision, part of my thought all the way along has been with the new widths and lengths—because I think the productivity went with the deregulation.

Are you finding now, by and large, you can live with deregulation, and it is not going to be the end of the trucking industry in America?

Mr. CLAPP. Our position, frankly, in 1980 was that we could live with reasonable regulation, or we could live with complete deregulation. We tended to favor, from a public policy standpoint, some reasonable regulation.

It's very hard to come down with something that's in between, and tries to be both at the same time. And we're still having a hard time working our way through this thing.

And my view is, quite frankly, that the benefits that were anticipated from deregulation have pretty largely been realized. And that you're not going to see much difference if we—you're not going to see a whole lot of additional benefit, in my view, if we come along now and try to further deregulate. I think, in fact, that's pretty well occurred.

I must tell you that I still believe in the system of collective rate making, which at the moment is working, interestingly, within a competitive, and an intensely competitive context; but it does allow at least the possibility for some kind of standardization of approach, if you will.

One of the goals, for example, is tariff simplicity. But if you think about it, you can't have tariff simplicity if everybody's trying to make his own tariff to his own standards. So there's some benefit to be able to work on common language, if you will, and common approaches, and let everybody still have their own discounts around that common standard.

The CHAIRMAN. You said earlier you would have preferred a system of regulation or deregulation. But being caught in between is uncomfortable.

Mr. CLAPP. We were very concerned that we could get caught into something that tried to maintain all of the requirements of regulation with none of the benefits. I frankly don't think the 1980 act did that. I think the commission has taken unusual license, frankly, with the 1980 act.

But given the—all the competing interests involved, the 1980 act was not that bad a piece of legislation.

The CHAIRMAN. Let me ask you why one thing did not happen that the ATA feared would happen, or testified would happen.

I've had no complaints—so few as to be almost inconsequential—from around the country, as to diminishing service in smaller towns. Somehow, some way, it seems to have been picked up. And I can assure you, had it not been picked up, the complaints would have been voluminous. Why didn't that happen?

Mr. CLAPP. Because we were not using the right words. There's nothing inherently unprofitable about serving a small town.

The CHAIRMAN. Except that—the position of the ATA at the time was that it was a money loser, and they did it more or less out of generosity—or because they were compelled to do it in order to have their other routes.

Mr. CLAPP. It wasn't stated correctly. Roadway has over 500 terminals. You can bet that a lot of them are in small towns. At least 100 are in 10,000 or less.

I think the problem that was really involved there was that if you dilute the service so that instead of having 5 carriers, or 2 or 3 carriers serving a remotely situated town, and then you authorize 20 or 25 or 30 carriers, there's simply not enough freight there to sustain all of them.

And it's not just the small towns. Some small towns are not adversely situated geographically. Some are. Some major cities are adversely situated. Our charges in New York City, for example, and in the Chicago Loop, are higher than they are in Eugene, Oregon.

The CHAIRMAN. Because they're inconveniently situated?

Mr. CLAPP. Yes; exactly.

So that case wasn't being stated really in the way that it was meaningful, it seems to me.

The CHAIRMAN. OK. Let's see the pictures.

Mr. CLAPP. OK. I sure hope this works. I must apologize to this audience, because, as already has been said today, there's absolutely nothing unusual about this equipment in Oregon. However, in Pennsylvania or Virginia, it's a downright curiosity.

[Video tape shown.]

Mr. CLAPP. That concludes our show, Mr. Chairman. Again, I'd be glad to answer any questions.

We would like to request consideration of a minor change in the act to make sure we can use those pups.

The CHAIRMAN. That's an example of a very good graphic presentation. On occasion I've seen movies presented which were so technical that they lost the audience. But this very clearly illustrates the point that you want.

I can say also, when we passed the legislation, we did not envision the problem you need the technical correction for.

Mr. CLAPP. Sure.

The CHAIRMAN. It's very clear that if what you're talking about is simply using the same trailers on the highways, and you're going to break them in two in the city, it makes perfect sense.

Mr. CLAPP. Thank you very much for those kind remarks, and I'll be sure to pass them on to the people who worked so hard to put them together.

The CHAIRMAN. I'd be glad to call your president and tell him you need to stay here a couple extra days because of the jet lag.

Mr. CLAPP. Thank you. I'll be sure to give you his number.

The CHAIRMAN. Thank you very much for your testimony. That concludes the hearings.

[Whereupon, at 10:46 a.m., the committee was recessed, subject to the call of the Chair.]

(The following information was subsequently received for the record:)

STATEMENT OF NEW YORK STATE DEPARTMENT OF TRANSPORTATION RELATING TO FEDERALLY MANDATED INCREASES IN TRUCK SIZE

Section 411(c) of the Surface Transportation Assistance Act of 1982 (STAA) states, in part, that "no State shall prohibit commercial motor vehicle combinations consisting of a truck tractor and two trailing units on any segment of . . . Interstate and Defense highways". Most segments of the Interstate and Defense highway system have been designed and built to modern standards which will safely accommodate the longer and wider (Section 416) vehicle combinations allowed by the STAA.

However, the "Interstate system" in New York City is unlike that of virtually any other urban area. Much of the system is made up of pre-Interstate era roadways, many dating back to the 1930's, which have been linked together for the purpose of route continuity.

Many segments of these "designated Interstate" highways are inadequate by current Interstate design standards. These standards dictate minimum lane widths of 12 feet, but portions of New York City's Interstate highways contain lane widths of only 10 or 11 feet. Current Interstate standards require that 1,000 foot long acceleration lanes and 400 foot long deceleration lanes be provided. Almost all of New York City's Interstate highways have substandard acceleration and deceleration lanes with many locations having no acceleration or deceleration lanes at all. Current Interstate standards dictate a usable width of 10 feet for highway shoulders, however, 52 percent of New York City's Interstate roadways have either substandard shoulders or no shoulders at all. Curve radii frequently do not meet modern standards and overhead clearances are often posted below 13 feet 6 inches. Excessive grades which cause a 15 MPH or greater reduction in the speed of loaded trucks frequently exist on New York City Interstate highways.

Traffic volumes on many segments of Interstate highways in New York City range from 100,000 to 150,000 vehicles per day. These extremely high traffic volumes, coupled with close interchange spacing, produce frequent and hazardous lane change maneuvers which can only be exacerbated by the larger dimension trucks allowed by the STAA.

The New York State Department of Transportation and the City of New York have requested the Secretary of Transportation to exempt New York City Interstate highways from use by the larger dimension trucks allowed by the 1982 STAA. We have been advised by the Department of Transportation that Section 411 of the 1982 STAA explicitly imposes the new length and tandem trailer provisions on all Interstate routes. As the Act is currently written, it would appear that no mechanism has been provided for exempting substandard segments of the Interstate highway system.

Senator Moynihan has introduced a bill (S2217) which would address the need to exclude substandard segments of the Interstate system from the requirements of the 1982 STAA. The New York State Department of Transportation strongly supports the Moynihan bill.

We urge your committee to favorably consider a technical amendment to the 1982 STAA to exempt those Interstate highway segments which have substandard design features that would create unacceptable safety levels if used by the longer and wider vehicles and combinations.

FHWA final designations in New York State still include several routes that should not be on the national network for safety reasons. The technical amendment should also address the need for the full consideration of safety when designating non-Interstate highways into the national network.

We are also concerned that the Federal Highway Administration is requiring New York State to allow 102 inch wide trucks on highways having less than 12 foot lane widths. We do not know if this is a problem only in New York or if it is nationwide. If it is a national problem, we would urge Congress to make its intent clear that the 102 inch wide trucks must be allowed only on highways having 12 foot wide lanes.

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